



Docket No.: 245344US6YA

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/720,189
Applicants: Steven T. FINK
Filing Date: November 25, 2003
For: PLASMA PROCESSING DEVICE
Group Art Unit: 1763
Examiner: Crowell, A.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Steven P. Weihrouch

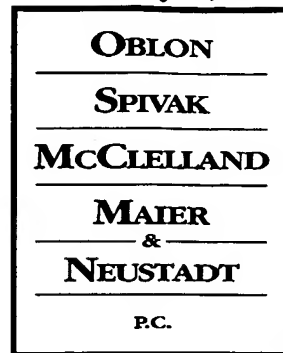
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DOCKET NO: 245344US6YA



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
STEVEN T. FINK : EXAMINER: CROWELL, A.
SERIAL NO: 10/720,189 :
FILED: NOVEMBER 25, 2003 : GROUP ART UNIT: 1763
FOR: PLASMA PROCESSING DEVICE :

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated December 19, 2005, Applicant elects the invention of Species I, identifying Claims 1-3 and 6-11 as readable on the elected invention. Applicant agrees that Claims 1 and 2 are generic.

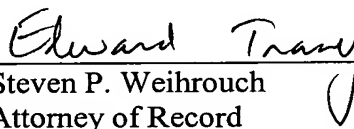
The Restriction Requirement is respectfully traversed based on the decision of the Director of the U.S.P.T.O. described in *In re Kase*, 71 USPQ2d 1063 (U.S.P.T.O. Director 2004) (unpublished). The *Kase* decision states that if a no reasons are given to show why claims are independent and/or distinct other then a statement that the claims are directed to a different invention, then the Restriction Requirement is improper and should be withdrawn. See *Kase* at 1064.

Application No. 10/720,189
Provisional Election Response to Restriction Requirement
Dated December 19, 2005

As no reasons were given in the present Restriction Requirement as to why the claims are independent and/or distinct, it is respectfully requested that the Requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-11 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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